

United States District Court
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY ALLEN TALLEY,

Defendant.

FILED UNDER SEAL

CRIMINAL COMPLAINT

Case No. 22-MJ-339-GLJ

I, Brittany Nguyen, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about October 24, 2022, in the Eastern District of Oklahoma, the defendant, Gregory Allen Talley, having been convicted in a court of a misdemeanor crime of domestic violence, and knowing of such conviction, did knowingly possess in and affecting interstate or foreign commerce, the following firearm, to-wit: one (1) Winchester pump-action shotgun, 12 gauge, Model 1897, Serial Number 431672, which had been shipped and transported in interstate or foreign commerce, in violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(8).

I further state that I am a Special Agent with Bureau of Alcohol, Tobacco, Firearms and Explosives, and that this complaint is based on the following facts:

(See attached Affidavit of Brittany Nguyen, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.

Brittany Nguyen

Brittany Nguyen

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to me at: MUSKOGEE, OKLAHOMA

Date: December 20, 2022.

GERALD L. JACKSON

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Gerald L. Jackson

Signature of Judicial Officer



AFFIDAVIT

I, Brittany Nguyen, being duly sworn, depose and state as follows:

AGENT BACKGROUND AND INTRODUCTION

1. I, Brittany Nguyen, your affiant, am currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) and have been so employed since January 31, 2021.

2. As part of my employment with ATF, I attended and graduated from the Federal Law Enforcement Training Center (“FLETC”) in Brunswick GA. This included graduating from the 14-week FLETC Criminal Investigator Training Program, and then graduating from the 16-week ATF Special Agent Basic Training (“SABT”) program. Both programs included training particular to federal law, interviewing techniques, evidence recognition and handling. The ATF SABT program also included training particular to firearms identification and handling, federal firearms laws, arson investigative training, and explosives investigative training.

3. Prior to being an ATF Special Agent, I obtained a Texas Commission of Law Enforcement license and was a certified Texas Peace Officer for approximately three years. During those three years, I worked for the Jefferson County Sheriff’s Office and have completed numerous investigations on patrol, to include investigations of violent crimes, domestic crimes, weapon violations, and narcotic violations.

4. I attended and graduated from Lamar University in Beaumont, Texas. I subsequently graduated with a Bachelor of Science degree in Psychology with a Minor in Biology and Chemistry.

5. As part of my duties as Special Agent, I have investigated national security violations, cyber-criminal violations, and firearm offenses related to violations of 18 U.S.C. § 922(g)(9). I am currently assigned to the ATF Dallas Division, Tulsa Field Office.

6. Based on my training and experience, I know that it is a violation of 18 U.S.C. § 922(g)(9) for any person who has been convicted in any court of a misdemeanor crime of domestic violence, to possess a firearm and/or ammunition that has traveled in or affected interstate or foreign commerce.

7. I am familiar with the facts and circumstances of this investigation. The facts set forth in this affidavit are based on my personal observations, knowledge obtained from other law enforcement officers, my review of documents related to this investigation, conversations with others who have personal knowledge of the events and circumstances described herein, and a review of open-source information including information available on the Internet. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for a criminal complaint, it does not set forth each and every fact I or others have learned during the course of this investigation.

PROBABLE CAUSE

8. It is my belief that Gregory TALLEY (DOB XX/XX/1969, SN# XXX-XX-2128) has violated 18 U.S.C. §§ 922(g)(9) and 924(a)(8), which prohibit any person convicted of a misdemeanor crime of domestic violence from possessing a firearm.

9. On October 24, 2022, ATF Special Agents assisted Sequoyah County Sheriff's Office ("SCSO") deputies with executing a search warrant on Gregory Allen TALLEY's residence at [street address redacted], Muldrow, Oklahoma, 74948, located within the Eastern District of Oklahoma. The search revealed four marijuana plants, eight half-gallon jars of suspected

marijuana, and a twelve-gauge Winchester pump-action shotgun. The shotgun, a twelve gauge Winchester pump-action shotgun, Model 1897, Serial Number 431672, was found in TALLEY'S bedroom, inside a hidden compartment concealed by a hinged mirror with a radio frequency identification lock. Two locked safes were also found in the hidden compartment. TALLEY opened the safes after deputies advised him of his *Miranda* rights; one safe contained a quart-sized plastic bag of suspected marijuana seeds.

10. Deputies interviewed TALLEY after he was read his *Miranda* rights. During the interview, TALLEY stated that his mother had given him the shotgun and that he had forgotten about it. Further, TALLEY admitted he was aware of his misdemeanor convictions for domestic violence.

11. Special Agent Lucas Keck examined the twelve gauge Winchester pump-action shotgun, Model 1897, Serial Number 431672, and prepared an interstate nexus report. He determined that the shotgun is a firearm as defined in 18 U.S.C. § 921(a)(3), and that the shotgun was not manufactured in the state of Oklahoma. Additionally, Special Agent Keck concluded that because the shotgun was not manufactured in Oklahoma, it has moved in interstate and/or foreign commerce.

12. Documents filed in the District Court for Sequoyah County, Oklahoma show that TALLEY has two prior convictions for misdemeanor crimes of domestic violence. Specifically, on December 3, 2021, the District Court for Sequoyah County convicted TALLEY of one count of misdemeanor Domestic Abuse, in violation of 21 O.S. § 644(c), in Case No. CM-2021-358; and one count of misdemeanor Domestic Abuse in the Presence of a Minor, in violation of 21 O.S. § 644(c), in Case No. CM-2021-359.

13. The one-count Information filed in Case No. CM-2021-358 alleged that on or about

May 8, 2021, TALLEY willfully and unlawfully assaulted and battered his step daughter, B.A., by punching her in the face with force and violence, and with the intent cause her corporal hurt and bodily injury, in violation of 21 O.S. § 644(c). On December 3, 2021, TALLEY pleaded nolo contendere to this Information and was sentenced to 60 days' imprisonment, to be served on weekends and days off, beginning on January 7, 2022. The court also assessed a \$250.00 fine and court costs, and further ordered that TALLEY attend domestic violence counseling and undergo a mental health assessment and a drug and alcohol assessment.

14. The one-count Information filed in Case No. CM-2021-359 alleged that on or about June 28, 2020, TALLEY willfully and unlawfully assaulted and battered his wife, M.A.¹, by hitting her in the face while she was holding their nine-month-old child, with force and violence, and with the intent to cause M.A. corporal hurt and bodily injury in the presence of a minor child, S.T. On December 3, 2021, TALLEY pleaded nolo contendere to this Information and received a suspended sentence of ten months' imprisonment, to run concurrently with his sentence in Case No. CM-2021-358. He was also assessed a \$250.00 fine and court costs.

CONCLUSION

15. Since this affidavit is being submitted for the limited purpose of enabling a judicial determination of whether probable cause exists to justify the issuance of a criminal complaint, I have not included each and every fact known concerning this investigation to me and others involved in this matter. I have set forth only the facts that I believe are essential to establish the necessary foundation for a criminal complaint. Based upon the facts set forth above, I believe there is probable cause to believe that Gregory Allen TALLEY, possessed a firearm after having

¹ ATF Special Agents have been in recent contact with M.A.; M.A. indicated that she has cohabitated with TALLEY for approximately sixteen years to date. Accordingly, Oklahoma law may consider M.A. and TALLEY to have a common law marriage.

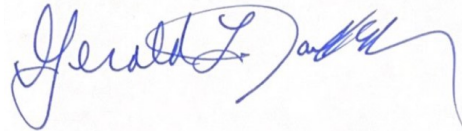
been convicted in a court of a misdemeanor crime of domestic violence, in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(8). Therefore, I respectfully request that an arrest warrant be issued for Gregory Allen TALLEY.

Respectfully Submitted,

Brittany Nguyen

Brittany Nguyen
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to me this 20th day of December 2022.

A handwritten signature in blue ink, appearing to read "Gerald L. Dade", is written over a light blue rectangular background.

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA